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|   |                               |                  |
|---|-------------------------------|------------------|
| <b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b><br><b>(37 CFR 1.63)</b><br><br><input checked="" type="checkbox"/> Declaration Submitted with Initial Filing      OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) | <b>Attorney Docket Number</b> | <b>3081</b>      |
|   | <b>First Named Inventor</b>   | <b>Casterlin</b> |
|   | <b>COMPLETE IF KNOWN</b>      |                  |
|   | <b>Application Number</b>     | /                |
|   | <b>Filing Date</b>            |                  |
|   | <b>Group Art Unit</b>         |                  |
|   | <b>Examiner Name</b>          |                  |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DEVICE FOR THE TESTING OF FLUID SAMPLES AND PROCESS FOR MAKING THE DEVICE**

(Title of the invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [ ]

as United States Application Number or PCT International

Application Number [ ] and was amended on (MM/DD/YYYY) [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number or Bar Code Label   |  | 17875                                   |  | OR <input type="checkbox"/> Correspondence address below |  |
| Name <b>Edmund M. Jaskiewicz</b>  |  |   |  |  |  |
| Address <b>1730 M Street NW. Suite 400</b>  |  |   |  |  |  |
| City <b>Washington</b>  |  | State <b>D.C.</b>                       |  | ZIP <b>20036</b>   |  |
| Country <b>U.S.A.</b>   |  | Telephone <b>202-296-2900</b>           |  | Fax <b>202-296-1370</b>                                  |  |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |  |   |  |  |  |
| NAME OF SOLE OR FIRST INVENTOR: <input type="checkbox"/> A petition has been filed for this unsigned inventor   |  |   |  |  |  |
| Given Name (first and middle (if any)) <b>Douglas</b>   |  | Family Name or Surname <b>Casterlin</b> |  |  |  |
| Inventor's Signature <i>Douglas Casterlin</i>   |  | Date <b>4/28/03</b>                     |  |  |  |
| Residence: City <b>Kinderhook</b>   |  | State <b>N.Y.</b>                       |  | Country <b>U.S.A.</b> Citizenship <b>U.S.A.</b>          |  |
| Mailing Address <b>122 Smith Road</b>   |  |   |  |  |  |
| City <b>Kinderhook</b>  |  | State <b>NY</b>                         |  | ZIP <b>12106</b> Country <b>U.S.A.</b>                   |  |
| NAME OF SECOND INVENTOR: <input type="checkbox"/> A petition has been filed for this unsigned inventor  |  |   |  |  |  |
| Given Name (first and middle (if any)) <b>Stan</b>  |  | Family Name or Surname <b>Cipkowski</b> |  |  |  |
| Inventor's Signature <i>Stan Cipkowski</i>  |  | Date <b>4/28/03</b>                     |  |  |  |
| Residence: City <b>Kinderhook</b>   |  | State <b>NY</b>                         |  | Country <b>U.S.A.</b> Citizenship <b>U.S.A.</b>          |  |
| Mailing Address <b>122 Smith Road</b>   |  |   |  |  |  |
| City <b>Kinderhook</b>  |  | State <b>N.Y.</b>                       |  | ZIP <b>12106</b> Country <b>U.S.A.</b>                   |  |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.   |  |   |  |  |  |

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**PATENT**

Attorney's Docket No. 3081

Applicant or Patentee: Douglas Casterlin et al

Serial or Patent No.: 0 / \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: DEVICE FOR THE TESTING OF FLUID SAMPLES AND PROCESS FOR MAKING THE DEVICE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN American Bio Medica Corp.

ADDRESS OF CONCERN 122 Smith Road  
Kinderhook, NY. 12106

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

DEVICE FOR THE TESTING OF FLUID SAMPLES AND PROCESS FOR MAKING THE DEVICE

by inventor(s) Douglas Casterlin and Stan Cipkowski

described in

- ☒ the specification filed herewith.  
☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING DOUGLAS CASTERLIN

TITLE OF PERSON OTHER THAN OWNER Executive Vice President Operations

ADDRESS OF PERSON SIGNING 122 Smith Rd, Kinderhook, NY 12106

SIGNATURE Douglas Casterlin Date 4/28/03